


FILED

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 AMHD Chief (Fax: (808)733-9277)
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2005 JUN -7 AM 9:51


 C. OKAWA, CLERK
 THIRD CIRCUIT COURT
 STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

vs.

MARK DAVIS, JR.,

DEFENDANT.

CR. NO. 05-1-182

JUDGMENT OF ACQUITTAL AND
 ORDER COMMITTING DEFENDANT
 TO THE CUSTODY OF THE
 DIRECTOR OF HEALTH

**JUDGMENT OF ACQUITTAL AND ORDER COMMITTING
 DEFENDANT TO THE CUSTODY OF THE DIRECTOR OF HEALTH**

The jury-waived trial in regard to this matter was held on June 7, 2005, before the Honorable Greg K. Nakamura. Charlene Iboshi, the First Deputy Prosecuting Attorney, appeared on behalf of the State of Hawai'i. Defendant Mark Davis, Jr. appeared with his attorney Anthony Bartholomew, Deputy Public Defender.

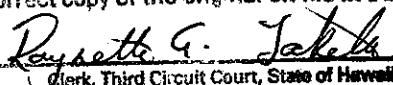
Based upon the evidence presented at the trial and the representations of Defendant and counsels, the Court finds:

1. The State has proven the elements of the charges of Murder in the Second Degree, Sexual Assault in the First Degree and Sexual Assault in the First Degree against Defendant as set forth in the Complaint, filed herein on June 7, 2005, beyond a reasonable doubt.

EXHIBIT

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I hereby certify that this is a full, true and
 correct copy of the original on file in this office.


 Clerk, Third Circuit Court, State of Hawaii

2. Defendant has proven by a preponderance of the evidence that, at the time he committed the acts which resulted in the charges, Defendant suffered from a physical or mental disease, disorder or defect which substantially impaired his capacity to conform his conduct to the requirements of law and his capacity to appreciate the wrongfulness of his conduct thus excluding penal responsibility.

3. There is clear and convincing evidence that Defendant is still affected by the mental disease, disorder or defect, and presents a risk of danger to himself or others.

4. Defendant is not a proper subject for conditional release and should be committed to the custody of the Director of Health to be placed in an appropriate institution for custody, care and treatment;

Therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

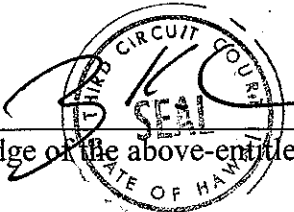
1. Defendant is acquitted of the charged offenses on the ground of mental disease, disorder or defect excluding penal responsibility.

2. Pursuant to Section 704-411(1)(a) of the Hawai'i Revised Statutes, Defendant is forthwith committed to the custody of the Director of Health to be placed in an appropriate institution for custody, care, and treatment. It is the Court's understanding that the Director of Health intends to place Defendant at the Hawai'i State Hospital. Before Defendant is placed in a facility other than the Hawai'i State Hospital, the Director of Health shall give to the Court and the parties notice of the intention to change Defendant's placement at least fourteen (14) days in advance of the change of placement.

3. The representative for the Sheriff's Division or designate of the Department of Public Safety shall transport Defendant from Court to Defendant's placement facility and from

the placement facility to Court for any further hearings as ordered by the Court.

DATED: Hilo, Hawaii, JUN - 7 2005

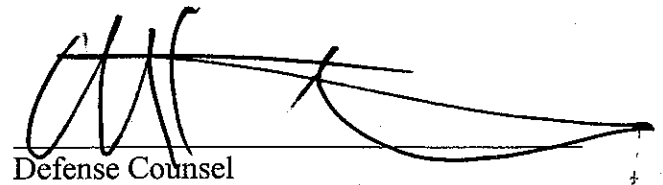
The seal is circular with the text "THIRD CIRCUIT COURT" around the top and "STATE OF HAWAII" around the bottom. In the center, the word "SEAL" is written. A signature is written across the seal.

Judge of the above-entitled Court

APPROVED AS TO FORM ON JUN - 7 2005 :

The signature is written in cursive and is placed above a horizontal line.

Deputy Prosecuting Attorney

The signature is written in cursive and is placed above a horizontal line.

Defense Counsel